

REMARKS

In the above-referenced Office Action the Examiner rejected Claims 1-2 and 21 under 35 U.S.C. 102(b) as being anticipated by Horton (US 5,091,926). In support of this rejection, the Examiner stated,

"Regarding claim 1, Horton discloses a transmitting apparatus comprising a sensor 10 for detecting an ear movement (abstract, column 1, lines 10-25, col. 5, lines 10-50), and an electronic module 28, 29, 30, coupled to the ear movement sensor for starting a procedure upon a detection of the ear movement (abstract, col. 1, lines 10- 25, col. 5, lines 10-50). It is clearly seen that movement of the ear is caused by movement of the head of the user.

Regarding claim 2, Horton discloses signaling means comprising a light source wherein the electronic module is coupled to the signaling means and enables the signaling means upon detection of the ear movement (abstract, col. 1, lines 10-25, col. 5, lines 10-50).

Regarding claim 21, Horton discloses a method of transmitting commands comprising sensing when an ear of the user is pulled back and turning on a laser mounted on the user when the sensing occurs (abstract, column 1, lines 10-25, col. 5, lines 10-50)."

The Examiner's attention is directed to amended Claim 1 which is now clearly limited to "... an ear movement sensor disposed in a predetermined position adjacent an ear of a user for detecting an ear movement of said user; and

b) an electronic module coupled to said ear movement sensor for initiating a predetermined procedure for at least one of initiating, stopping and maintaining a predetermined object."

In view of the amendment to Claim 1, which clearly distinguishes over the Horton reference because Horton cannot maintain an object in an on position without maintaining contact therewith. In other words, he can only operate one object at a time. Since Claim 2 depends from amended Claim 1 it is therefore also believed allowable. Claim 21 has been cancelled. Therefore, the Examiner is respectfully requested to withdraw his rejection of Claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Horton (US 5,091,926)..

With respect to the rejection of Claims 16, 19 under 35 U.S.C. 102(b) as being anticipated by Mooneyham (US 5,677,834) this rejection has been rendered moot by the cancellation of these Claims.

Likewise, the rejection of Claim 17 under 35 U.S.C. 103(a) as being unpatentable over Mooneyham in view of Shurman (US 6,091,832) has been rendered moot by canceling this Claim.

Further, the rejection of Claim 18 under 35 U.S.C. 103(a) as being unpatentable over Mooneyham in view of Nixon (US 6,806,847) has been rendered moot by the cancellation of this Claim.

Finally the rejection of Claim 20 under 35 U.S.C. 103(a) as being unpatentable over Mooneyham in view of Yamaguchi (US 6,345,111) has been rendered moot by the cancellation of this Claim.

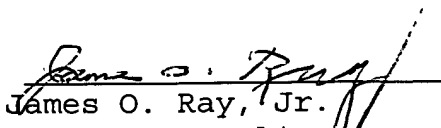
New Claim 22 has been added incorporating the subject matter of Claims 2 and 3 therein which the Examiner has indicated as being allowable. Claims 4-9 have been amended to find their dependency back to new Claim 22.

In view of the above remarks and the Amendments to the Claims, it is respectfully submitted that Claims 1-15 and 22 are in condition for allowance and such allowance by the Examiner is requested.

In the event the Examiner has further difficulties with the allowance of the application, he is invited to contact the undersigned attorney by telephone at (412)380-0725 to resolve any remaining questions or issues by interview and/or by

Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,

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